

APR 25 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Article No.: 7004 2510 0006 9721 8284

The Honorable Lawrence E. Cline
Mayor of Rockaway Beach
P.O. Box 315
Rockaway Beach, Missouri 65740

Dear Mayor Cline:

The U.S. Environmental Protection Agency (EPA) has reviewed information that the City of Rockaway Beach (City) submitted in response to EPA's Information Request issued pursuant to Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318. That information, in addition to information EPA obtained during its inspection of the Rockaway Beach Wastewater Treatment Facility on September 10-13, 2007, indicate that the City has violated the CWA.

The CWA was enacted to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. Towards that end, the CWA provides, among other things, that the discharge of pollutants into a water of the United States is unlawful except in compliance with a permit. As stated in EPA's letter to the City on February 5, 2008, the City violated Section 402 of the CWA by violating its NPDES Permit No. MO-0108162. The specific violations -- failure to report, failure to sample, improper sampling, failure to report bypass, and wrongful sludge application -- are described in the Findings of Violation/Order for Compliance, Docket No. CWA-07-2008-0031, issued to the City on February 5, 2008. EPA has information indicating these violations were occurring for at least 14 months.

Under CWA Section 309, 33 U.S.C. § 1319, EPA is authorized to seek penalties for violations of Section 402 of the CWA. To determine the appropriate penalty amount, EPA considers such factors as the nature, extent and gravity of the violation, any prior history of violations, economic benefit gained and degree of culpability. EPA has applied these factors to this case and determined that \$157,500, the statutory maximum penalty in an administrative settlement, is justified.

CONCURRENCE:WWPD:WENF:Sans:H:\WENF\2008 Correspondence\Sans\RockawayBeachPrefilingletter.doc 4/24/08 lk					
NAME	Sans	Asher	Huffman	Spratlin	
DIV/BRANCH	WWPD/WENF	CNSL	WWPD/WENF	WWPD	
SIGN	<i>Claus</i>	<i>AAASH</i>	<i>DDA</i>	<i>W24/08 WAS</i>	
DATE	4/24/08	4/24/08	4/25/08	4/25/08	



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

February 26, 2008

Sent via Facsimile

(417) 561-6025

Ms. Susan Kettelkamp
City Clerk
City of Rockaway Beach
P.O. Box 315
Rockaway Beach, MO 65740

Dear Ms. Kettlekamp,

Re: Rockaway Beach Wastewater Treatment Facility
NPDES Permit No.: MO-0108162

This letter is to follow up on our conversation earlier this morning during which you requested an extension to submit the response to the information request sent to the city by EPA. The information request letter was received by the city on February 7, 2008 and the original due date was February 27, 2008. You requested an extension until March 5, 2008 to submit the city's response to EPA. Your request has been granted and the response is now due no later than March 5, 2008.

If you have questions please call me at (913) 551-7492.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cynthia Sans".

Cynthia Sans,
Compliance Officer
Water Enforcement Branch

Confirmation Report - Memory Send

Time : Feb-26-2008 12:32pm
Tel line : 9135517165
Name : EPA REGION 07

Job number : 869
Date : Feb-26 12:31pm
To : 914175616025
Document pages : 001
Start time : Feb-26 12:31pm
End time : Feb-26 12:32pm
Pages sent : 001
Status : OK

Job number : 869

*** SEND SUCCESSFUL ***



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

February 26, 2008

Sent via Facsimile
(417) 561-6025

Ms. Susan Kettelkamp
City Clerk
City of Rockaway Beach
P.O. Box 315
Rockaway Beach, MO 65740

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Re: Rockaway Beach Wastewater Treatment Facility
NPDES Permit No.: MO-0108162

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If you have questions please call me at (913) 551-7492.

Sincerely,


Cynthia Sans,
Compliance Officer
Water Enforcement Branch



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

CERTIFIED MAIL
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Article No.: 7004 2510 0006 9727 0459

December 31, 2007

Mr. Lawrence E. Cline, Mayor
City of Rockaway Beach
P.O. Box 315
Rockaway Beach, MO 65740

Dear Mr. Cline:

Re: Rockaway Beach Wastewater Treatment Facility
NPDES Permit No. MO-0108162

On September 10-13, 2007, a representative of the U. S. Environmental Protection Agency (EPA) inspected your facility. The inspection was conducted under the authority of Section 308 of the Clean Water Act. A copy of the inspection report is enclosed for your information (without attachments).

EPA is presently reviewing the findings of the report to determine your facility's compliance with the applicable statutes, permits, or regulations. If it is determined that violations exist, EPA reserves all rights it may have to take appropriate enforcement action.

If there are any questions regarding this report, please contact me at (913) 551-7492. You may also contact me if you wish to receive a copy of the report attachments.

Sincerely,

A handwritten signature in black ink, appearing to read "Cynthia Sans".

Cynthia Sans
Compliance Officer
Water Enforcement Branch

Enclosure

cc: Kevin Mohammadi, Missouri Dept. of Natural Resources
Cindy Davies, MDNR, SWRO

NOV 13 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Article No.: 7004 2510 0006 9721 6594

The Honorable Lawrence E. Cline
Mayor of Rockaway Beach
P.O. Box 315
Rockaway Beach, MO 65740




Correspondence

Dear Mayor Cline:

RE: City of Rockaway Beach, Missouri
Clean Water Act Violations

This is to advise you of an important legal matter concerning the City of Rockaway Beach (City) and its unresolved violations of the Clean Water Act (CWA). The U.S. Environmental Protection Agency (EPA) has reviewed the materials that the City transmitted to EPA Compliance Officer, Cynthia Sans, on October 22, 2008. The materials were sent after many communications that Ms. Sans participated in with the Rockaway Beach waste water treatment plant manager, the city clerk, and you during the past six months, as these documents were due to be submitted to EPA by March 10, 2008. The October submittal, however, failed to include Discharge Monitoring Reports and supporting laboratory analysis and related data for the months of May through and including September 2008 as required by the Findings of Violation/Order for Compliance Docket No. CWA-07-2008-0031 (Compliance Order) issued by EPA to the City on February 5, 2008. A submission that included the Discharge Monitoring Report and supporting information for September 2008 was received on November 5, 2008.

On September 26, 2008, Ms. Sans, along with EPA attorney, Audrey Asher, spoke with you and your attorney about the settlement of the City's CWA violations. During this conversation, Ms. Sans once again reviewed the list of deliverables that would need to be submitted to EPA in order for the City to come into compliance with the Compliance Order. EPA stated during the September 26 telephone call, and later that day through a letter, that EPA would settle the City's CWA violations through the payment of a penalty of \$3,000. However, that settlement offer was premised on the City's coming into compliance with the Compliance Order by October 10, 2008.

CONCURRENCE:WWPD:WENF:Sans:H:WENF\2008 Correspondence\Sans\RockawayBeach.Ltr.10.23.08.doc 11/10/06 lk					
NAME	Sans	Asher	Huffman		
DIV/BRANCH	WWPD/WENF	CNSL	WWPD/WENF		
SIGN					
DATE	11/10/08	11/12/08	11-12-08		



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

NOV 13 2008

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Mayor of Rockaway Beach
P.O. Box 315
Rockaway Beach, MO 65740

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